Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Revised 11-00

Note: Instructions to DNRC staff for preparing this EA can be found at: http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address*: Rock Creek #73 LLP
PO Box 977
Wolf Point, MT 59201

2. *Type of action*: Application for Beneficial Water Use Permit No. 40E-30041868

3. *Water source name*: Missouri River (Fort Peck Lake)

4. *Location affected by action*: SWNESE, Section 24, T26N, R40E, Valley County

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits*: This project is to pump water out of Fort Peck Lake for lawn & garden use. This application is to use 22 gpm up to 1.25 acre-feet of water annually from April 1st to October 31th. The point of diversion is located in the SWNENW, Section 19, T23N, R43E, McCone County. The place of use is located in the NENENW, Section 19, T23N, R43E, Rock Creek Cabin Site #73, McCone County. The applicant will benefit by being able to irrigate the lawn and trees, preventing erosion and decreasing the fire hazard on the cabin site.

   The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

6. *Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)*

   Montana State Historic Preservation Office
   Montana Natural Heritage Program
   Montana Department of Environmental Quality Website (TMDL 303d Listing)

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: The Missouri River is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. It is very unlikely that 22 gpm would have any impact on the surface water flows.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: Fort Peck Reservoir is listed on the 1996 Montana 303(d) list as partially supporting aquatic life, swimming and warm water fishery. The probable causes are flow alteration, noxious aquatic plants, nutrients, organic enrichment and suspended solids. Due to the small size of this appropriation, no significant impact should occur.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: This surface water appropriation should have no significant impact on groundwater in the area.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The diversion means consists of a Grundfos 1 hp pump that will pump water out of the lake through a 1.25" water line to the cabin site. The water line will be approximately 200 feet long and deliver water to an underground sprinkler system. The U.S. Army Corp of Engineers approves of this type of diversion and it is commonly used around the lake.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: A report received from the Montana Natural Heritage Program indicates there are seven species of special concern within the general area of the project. The pallid sturgeon is listed as endangered and the piping plover is listed as threatened. The paddlefish, sauger, sicklefin chub, blue sucker and sturgeon chub have all been classified by the Bureau of Land Management as sensitive.

The piping plover prefer nesting sites on barren islands, sandbars and open shoreline. Their occurrence extends over multiple townships. The cabin at the site of this project in the Fort Peck Cabin Sites has existed for many years. There are many other cabins within the area. Due to the numerous islands within the lake and the hundreds of miles of barren shoreline, it is unlikely that this small appropriation, at a location, which has been occupied by people for a long period of time, would have any additional impact on the nesting of the tern or plover. Due to the size of Fort Peck Reservoir it is also unlikely that this appropriation would impact the pallid sturgeon, paddlefish or any of the other sensitive status fish listed above.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No known wetlands exist in the project area.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: Not applicable.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: The soil will be temporarily disturbed when the water line is installed. No permanent degradation to soil quality, stability or moisture content is anticipated.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The project is located within a subdivision containing numerous home and cabin sites. After the water line is installed the disturbed area over the buried portion of the line that is above the high water mark should be re-seeded. The control of noxious weeds is the responsibility of the property owner.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: The pump will be electric and there will be no deterioration of air quality as a result of this appropriation.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: A report from the Montana State Historic Preservation Office (SHPO) shows that eight cultural resource inventories have been previously conducted within the search area. Based on the level of the inventories, SHPO feels there is a low likelihood that this project would

impact cultural properties and therefore a cultural resource inventory is not warranted at this time.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: There are no known local environmental plans or goals in this area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This project will have no significant impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This project will have no significant impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes___ No_X_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity ? No significant impact.

(*b) Local and state tax base and tax revenues ?* No significant impact.

(c) *Existing land uses* *?* No significant impact.

(*d)* *Quantity and distribution of employment* *?* No significant impact.

(e) *Distribution and density of population and housing* *?* No significant impact.

(f) *Demands for government services* *?* No significant impact.

(g) *Industrial and commercial activity* *?* No significant impact.

(h) *Utilities* *?* No significant impact.

(i) *Transportation* *?* No significant impact.

(j) *Safety* *?* No significant impact.

(k) *Other appropriate social and economic circumstances* *?* No significant impact.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** None

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** Under the no action alternative, the applicant would not have the benefit of water for their lawn and garden use their lot. The applicant could drill a well and a certificate of water right would be issued, however due to the size of the lots and the proximity of the drain fields, this may not be an option.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

2. ***Comments and Responses***

3. ***Finding:***
Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

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Date: June 3, 2008